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January 9, 2024

**VIA ECF**

Hon. Arun Subramanian  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St. Courtroom 15A  
New York, NY 10007-1312

**Re: *Flynn et al, v. Cable News Network, Inc.*, No. 1:21-cv-02587-AS-SLC – Letter-Motion in Support of Confidential and Highly Confidential Materials Remaining Under Seal**

Dear Judge Subramanian:

We represent Defendant Cable News Network, Inc. (“CNN”) in the above-referenced action. Pursuant to the Federal Rules of Civil Procedure 5.2(e) and 26(c), and Your Honor’s Individual Practice Rule 11B, we file this letter-motion in support of keeping certain redacted portions of Plaintiffs’ Memorandum in Opposition to CNN’s Motion for Summary Judgment (ECF No. 197), certain redacted portions of Plaintiffs’ Rule 56.1 Statement of Material Facts in Dispute (ECF No. 200), and certain confidential exhibits and portions of deposition transcripts that are designated as “Confidential” or “Highly Confidential” under seal pursuant to the parties March 15, 2022 Confidentiality Stipulation and Protective Order (ECF Doc. No. 60) in this action.

CNN requests that the following portions of Exhibit A to the Declaration of Jared R. Roberts (“Roberts Decl.”) (ECF No. 198), which is the deposition transcript of Donie O’Sullivan, as well as any of Plaintiff’s Opposition filings that reference those portions, remain under seal. CNN requests leave of the Court to work with Plaintiffs’ counsel to unredact only those parts of Exhibit A that do not relate to these portions.

- Ex. A at 161:8-13: This portion of the transcript references Mr. O’Sullivan’s confidential medical information.
- Ex. A at 340:14-342:20: This portion of the transcript references a document relating to the Report’s Nielsen ratings produced as “Highly Confidential” by CNN. CNN requests that this information remain under seal per its contractual obligations with Nielsen.

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Respectfully Submitted,

Davis Wright Tremaine LLP

  
Katherine M. Bolger

The above-referenced categories of information may  
remain redacted. Counsel shall submit redacted  
versions of exhibits by January 30, 2024.  
SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: January 9, 2024